

MILLIS PLANNING BOARD MINUTES

Tuesday, July 11, 2017

Room 229, Veterans Memorial Building, 900 Main St., Millis, MA

The meeting was called to order at 7:30 p.m. by Mr. Robert Cantoreggi, Chair.

Members present: Robert Cantoreggi, Chair
George Yered, Clerk
James McKay
Richard Nichols
Nicole Riley

Melissa Recos, BETA Group.

Members Absent: Carlo Molinari, Associate

Also present: Scott Fuzy, 15 Stony Brook Dr.
Ellen Rosenfeld, 730 Main St.
Marc Rosenfeld, 730 Main St.
James McCaffrey, Selectman
Catherine MacInnes, Selectman
Loring Barnes, Selectman
Dave Schofield, 37 Ticonderoga Lane
Peter & Diane Jurmaine, 21 Causeway St.
Chris Soffayer, 1003 Main St.
Michael Guzinski, Town Administrator
Robert Sullivan, 62 Dover Rd.
Bruce Wilson, Jr., PLS, 62 Dover Rd.
Christina Gasbarro, 350 Village St.
Cary J. Orlandi, Jr., 350 Village St.
Cary J. Orlandi, Sr., 350 Village St.
Jim Susi, United Consultants, 350 Village St.
Stephen Boston, 60 Orchard St.
Atty. Edward Cannon, Doherty, Ciechanowski, Dugan & Cannon
Shawn Nuckolls, Toll Brothers, 134 Flanders Rd., Westboro
Scott Miccile, Toll Brothers, 134 Flanders Rd., Westboro
Ryan O'Rourke, Toll Brothers, 134 Flanders Rd., Westboro
Austin Turner, Bohler Engineering

**MARIJUANA MORATORIUM & BYLAW PROHIBITION
OR RESTRICTIVE ZONE - INFORMAL DISCUSSION
BOARD OF SELECTMEN**

(Note: Board of Selectmen meeting ran concurrently with the Planning Board meeting for this informal discussion, with Mr. McCaffrey and Ms. MacInnes in attendance)

Mr. Cantoreggi discussed the reason for this discussion. Although marijuana was legalized for recreational use in November, he said, there are still many issues at the State level that have to be resolved and implemented prior to individual towns establishing

zoning regulations. This discussion, he stated, is to prepare the Town of Millis when the law goes into effect.

Mr. McCaffrey stated that the Selectmen have had discussions about the recreational marijuana legalization issue. The statute legalizes the use of marijuana and allows retail sales in areas of discretion within the town. After discussion with Town Counsel, there are a few options for the Town of Millis to consider, he said. One option the town can take is a vote to amend the Town's Bylaws by adding a Temporary Moratorium on Recreational Marijuana Establishments which would allow time for the Town to establish zoning restrictions and regulations. Another option would be a ballot question proposing a Recreational Marijuana Establishment ban of all types of marijuana establishments; or another option banning one type of marijuana establishment, specifically retail.

As stated in the "Model Moratorium Warrant Article," "The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and...requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018." The Town may opt to "adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town" to enact bylaws in a consistent manner. Mr. McCaffrey stated that if the Town establishes a temporary moratorium, it will allow time for the Town to analyze the impacts and study safety requirements before a retail sale establishment could open. He stated that the Selectmen would like a Temporary Moratorium Bylaw brought to the November Town Meeting. Where the legislature is still deliberating on the law, there are many uncertainties, he said, and "we have no final law, no Cannabis Control Commission, and no regulations." If the Town does vote to allow recreational marijuana establishments, for example, "where in Town would they go?" he questioned. Medical marijuana dispensaries are already allowed in Town by Special Permit in the Industrial-Park-2 ("I-P-2") Zoning District only. That same district may want to be considered.

Mr. McCaffrey stated that in his opinion, it is "a bigger decision to ban" Recreational Marijuana Establishments altogether since the Town voted in favor of the statute to legalize recreational marijuana.

Ms. Ellen Rosenfeld stated that she has an application in front of the Town to put in a medical marijuana dispensary in the zoned area on Route 109. She stated that a recreational marijuana establishment bylaw, similar to the medical marijuana dispensary bylaw, can be created and added to give rights to the Planning Board to enact other application procedures; Special Permit approval, approval from the Selectmen, etc. "There are still local controls as with the medical marijuana program" that can be implemented, Ms. Rosenfeld said. Ms. Rosenfeld stated that she would be in favor of the Temporary Moratorium because it will line up with the State process. She would like to be involved in the discussions regarding policy making, economic implications, licensing, etc., whether in a committee or a group; she would "like to be a part of it."

Police Chief Soffayer spoke on the importance of the significant amount of required training for police and public safety if and when recreational marijuana establishments are allowed. For example, he said, for incidents of “drugged driving, there are drug recognition processes” that must be followed or an offense will be thrown out. It must be done by a “drug recognition expert.” Whether or not someone purchases marijuana in Millis or another abutting town, they can be driving through Millis and they would like the ability to enforce the law and keep the public safe. Mr. Cantoreggi stated that training for safety officials takes money and currently, there is no revenue source for that. This is a “compelling reason,” he said to move forward with this issue. Ms. Rosenfeld stated that there is a “Host Community Agreement” through the Board of Selectmen for the medical marijuana dispensary that stated “3% of gross sales goes directly to the Town of Millis to take care of real or perceived issues.” Any retail establishment would most likely do the same and revenue could be more than 5%, Ms. Rosenfeld stated. Mr. Marc Rosenfeld, CEO of CommCan, Inc., the medical marijuana dispensary company, stated that this facility would “add annually close to one million dollars in revenue to the Town of Millis” if allowed to sell recreational marijuana in addition to medical marijuana. Ms. Diane Jurmaine suggested a committee be formed to evaluate and get input for people in Town. She stated that she would like to be involved in the process.

Mr. McCaffrey stated that they do want citizen input from the community. He said that the Selectmen will “carry the ball forward” and will address and discuss goals. The Selectmen will develop recommendations and present to the Planning Board.

Mr. Cantoreggi stated that a Temporary Moratorium Bylaw warrant article would require a public hearing by the Planning Board.

SPECIAL PERMIT/SITE PLAN APPROVAL APPLICATION, PUBLIC HEAR.
350 VILLAGE STREET – MONTESSORI SCHOOL
CARY J. ORLANDI, MILLBROOK MODULAR HOMES

The public hearing was opened at 8:08 p.m. with notice being read by Mr. Yered, Clerk.

Mr. Orlandi, Jr., representing the applicant, presented the application and plans for the private school. He stated that the proposed project is for an addition of two classrooms, which will be modular units, and an increase in the parking from nine to seventeen spaces. There are currently seventy students at the building and they will be adding fifteen with the addition, he said. Mr. Cantoreggi expressed concern regarding the traffic in and out of the facility. According to Mr. Orlandi, many of the additional students are siblings of current students and should not markedly increase the current traffic flow. Ms. Gasbarro stated that the times “are staggered and no cars will be added.” She said they have made “every effort to address the traffic.” Additional signage was discussed as an option. A traffic study had been done for a previous filing and the applicant will provide a copy to BETA Group.

Pervious pavement is proposed for the new parking area and to replace the existing paved area. There is no stormwater management currently on the site. Mr. Cantoreggi stated that this will trigger stormwater management being engineered into the site. Mr. Susi of

United Consultants stated that they are replacing impervious surface with pervious surface. Mr. Cantoreggi stated that a stormwater report will be required.

On a motion made by Mr. Cantoreggi, seconded by Ms. Riley, it was voted unanimously at 8:26 p.m. to continue the public hearing to Tuesday, August 15, 2017, 8:00 p.m.

SCENIC ROAD APPLICATION, CONSOLIDATED PUBLIC HEARING
GECC, ORCHARD STREET – NEW SANITARY FORCE MAINS
TOLL BROTHERS, INC.

The public hearing was opened at 8:30 p.m. with notice being read by Mr. Yered, Clerk.

Mr. Tuner of Bohler Engineering, representing the applicant, presented the application. He stated that the application is for completion of work along Orchard Street required to install the new sanitary force mains, as well as completing any pruning, if any, in order to provide safe access for commercial vehicles to the work site. This proposed work is required in conjunction with the work on the Glen Ellen Senior Residential Community Development Special Permit, and is reflective of the relocation of the primary entrance driveway, Mr. Turner said. This is an upgrade to the existing municipal sanitary system, he said, with approximately 4,200 linear feet of new force main.

Mr. Turner stated that the application is necessary for work in the Town right-of-way. The project is similar to approval for the water main work previously approved. Mr. Turner stated that there is no tree removal proposed; only pruning. Mr. Cantoreggi stated that there is potential for existing trees to be harmed due to the work and he stated that certain significant trees may need to be protected.

On a motion made by Mr. Cantoreggi, seconded by Mr. Nichols, it was voted unanimously at 8:41 p.m. to close the consolidated public hearing.

On a motion made by Mr. Cantoreggi, and seconded by Mr. Nichols, it was voted unanimously (5-0) as follows:

- (1) If any pruning is determined to be necessary, a pruning plan will be in place beforehand for review by the Tree Warden/DPW.
- (2) The Tree Warden will identify trees which he believes are significant for protection during construction.

APPROVAL OF DEFINITIVE PLAN APPLICATION, PUBLIC HEAR., CONT.
GLEN ELLEN SENIOR RESIDENTIAL COMMUNITY DEVELOPMENT
TOLL BROTHERS

The public hearing continuation was opened at 8:42 p.m. with notice being read by Mr. Yered, Clerk.

Atty. Cannon summarized the status of the plans and stated that they are “relatively close” to finalizing. A draft decision is being reviewed by Town Counsel, he said. A waiver request letter from Bohler Engineering, dated July 11, 2017, was submitted. Atty. Cannon provided a tree count of 305 total proposed street trees, which exceeds the requirement by 9 trees, he said. He also provided information on the total cost of fire call boxes. He stated that they believe it is “a lot of money for outdated technology” and requested that the Board consider a donation in leui of call boxes. An additional waiver request will be required for the donation in leui of fire call boxes. All waiver requests will be discussed/voted on at the next hearing.

Mr. Turner of Bohler Engineering, representing the applicant, summarized the changes made to the plans based on comments from the various boards and their consultants. He said they hope to have the final revised plans completed “in a week or so.” Mr. Turner stated that they received feedback from the Conservation Commission regarding the maintenance of the Open Space/Trails with a meadow area and mowing of the perimeter annually. Mr. Turner will email Mr. Cantoreggi a copy of the proposed “Trail Maintenance Plan” for review. Also to be submitted is additional test pit data for review by BETA. Mr. Nichols requested to see an architectural plan for the clubhouse, which Mr. Turner will provide at the next hearing.

Atty. Cannon stated that they plan to have everything completed shortly and they hope the hearing can be closed and the application voted upon at the next meeting.

On a motion made by Mr. Cantoreggi, seconded by Mr. McKay, it was voted unanimously at 9:03 p.m. to continue the public hearing to Tuesday, August 15, 2017, 8:15 p.m.

“DOVER ESTATES” DEFINITIVE SUBDIVISION

62 DOVER ROAD- ROBERT SULLIVAN

INFORMAL DISCUSSION RE: MODIFICATION

Mr. Wilson, representing the applicant, stated that they would like to modify the already approved definitive subdivision plans for “Dover Estates.” They want to shorten the roadway 15 feet, re-grade the site to provide better building locations, and have the garages attached rather than under the dwellings. Mr. Wilson stated that a fair amount of gravel will need to be removed; approximately 50-60,000 yards.

Due to the changes requested, the applicant will be required to file an Application for Approval of Modification Plan and an Earth Removal Special Permit Application.

OTHER BUSINESS:

FY18 PAYROLL SIGNATORIES

On a motion made by Ms. Riley, seconded by Mr. McKay, the Planning Board unanimously voted, pursuant to MGL Chapter 41, Section 41, to authorize *either* Mr. Cantoreggi or Mr. McKay to sign/approve payroll.

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Tuesday, July 11, 2017

Room 229, Veterans Memorial Building, 900 Main St., Millis, MA

MINUTES

On a motion made by Mr. Nichols, seconded by Ms. Riley, it was unanimously voted to approve the regular session meeting minutes from June 20, 2017, as written.

ADJOURN

There being no further discussion and on a motion made by Mr. Cantoreggi, seconded by Mr. Nichols and voted unanimously, the meeting was adjourned at 9:20 p.m.

Scheduled Planning Board Meetings: August 15, 2017
September 12, 2017

Respectfully submitted,

*Camille Standley,
Administrative Assistant*